

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77651

Kazuya TSUKADA

Allowed: November 12, 2008

Appln. No.: 10/670,727

Group Art Unit: 2629

Confirmation No.: 6622

Examiner: Kimngung T. NGUYEN

Filed: September 26, 2003

For: REMOTE CONTROL SYSTEM, REMOTE CONTROL OPERATING DEVICE, AND
REMOTE CONTROL METHOD

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant notes that the Examiner's particular comments regarding the Reasons for Allowance included with the Notice of Allowance dated November 12, 2008 do not accurately reflect the claim language. For instance, the Reasons for Allowance merely loosely paraphrase certain recitations that are included in the allowed claims and therefore do not accurately restate the claimed invention.

MPEP §1302.13 requires that "[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." Accordingly, since the Reasons for Allowance comprise inaccurate

Comments on Examiner's Statement of Reasons for Allowance
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paraphrasing, Applicant maintains that the legal scope of the present invention is defined only by the recitations of the allowed claims themselves and not by the Examiner's paraphrasing.

Further, Applicant notes that the application includes 2 independent formulations of the invention (i.e., claims 14 and 16) and, therefore, Applicant submits that the Reasons for Allowance are deficient by failing to acknowledge that claims 14 and 16 were allowed for independent reasons.

Patent Office personnel are requested to note that the present submission does not adversely affect the patent term adjustment accrued by the Applicant to date. As emphasized in the "Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed," 1247OG111 (6/26/01), "a response to the examiner's reasons for allowance" is an example of a paper that does "not cause substantial interference and delay in the patent issue process" and is "not considered a 'failure to engage in reasonable efforts' to conclude processing or examination of the application." Therefore, the Applicant remains entitled to the full patent term adjustment set forth on page 3 of the Notice of Allowance dated November 12, 2008.

Respectfully submitted,

/ Andrew J. Taska /

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WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: **January 30, 2009**

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